Writ Petition no.89 of 2003 (SB)

Santosh Kumar Chandola------- Petitioner

Versus

Accountant General, U.P. Allahabad and others …… Respondents

Hon'ble M.M.Ghildiyal J.

Heard Sri C.D.Bahugana learned counsel for the petitioner and Sri G.S.Bist, learned senior standing counsel for Union of India.

The petitioner by means of this writ petition has prayed for a direction to respondents to pay penalized interest at the rate of 18 per cent per annum on the amount of post retiral dues which were paid to him after 3/1/2 years. He has further prayed for payment of Rs.10,000.00 by way of damages for causing harassment, humiliation and mental agony to the petitioner and Rs.5000.00 towards miscellaneous expenses which the petitioner had to incur during the period of more than 3/1/2 years.

The petitioner who was working as a head clerk in Industry Department in district Pauri was retired from service on 31.03.1997. 90 per cent of provident fund amount was released in favour of the petitioner by the department though this amount was also released by the department after eight months. However, he has confined his prayer only in respect of interest on the amount which was paid by the Accountant General after 3/1/2 years from his retirement. The learned counsel for the petitioner has drawn my attention to the annexure 3 dated 14.3.2000 to the writ petition which is sanction order of Account General, U.P. Allahabad releasing a sum of Rs. 36079.00 balance amount of G.P.F. to the petitioner. It is not disputed that the petitioner was retired on 31.3.1997 and the 10 per cent amount of G.P.F. was released by the Account General, U.P. Allahabad after three years. Number of times learned counsel for the respondents was granted time to file counter affidavit. On 11.6.2003 learned senior S.C. Government of India was granted three weeks time to file counter affidavit. It was further clarified in the order that no further time will be granted. Inspite of this no counter affidavit has been filed. Today again he has sought further time to file counter affidavit. The Learned Senior Standing Counsel Union of India has

submitted that under the rules the petitioner is entitled to 9% interest on the amount which has been paid after three years. It is not disputed that the petitioner was retired on 31.3.1997 and the Accountant General, U.P. Allahabad has released 10 per cent of the amount of G.P.F. to the petitioner only on 14.3.2000 after three years for which the petitioner is entitled to get interest.

For the reasons stated above I direct the respondent no.1 to pay to the petitioner the interest at the rate of 9% per cent on the amount of Rs.36079.00 for a period of three years.

The writ petition is disposed of finally accordingly.

(M.M.Ghildiyal J.)

July 17, 2003
MPS